

**To:** Burnett, Gina[Burnett.Gina@epa.gov]  
**From:** Schulze, Chad  
**Sent:** Thur 10/5/2017 3:32:11 PM  
**Subject:** RE: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Great Thanks!

Sincerely,

Chad

\*\*\*\*\*

Chad C. Schulze  
Pesticides and Toxics Unit  
Office of Compliance and Enforcement  
U.S. EPA Region 10 (OCE-101)  
1200 6th Avenue, Suite 900  
Seattle WA 98101  
206-553-0505 (ph)  
206-771-3058 (cell)  
206-553-4743 (fax)  
schulze.chad@epa.gov  
<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>

EPA DIVE UNIT:

<https://www.epa.gov/scientific-diving> or <https://www.epa.gov/diving>

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**From:** Burnett, Gina  
**Sent:** Thursday, October 05, 2017 8:24 AM  
**To:** Schulze, Chad <Schulze.Chad@epa.gov>  
**Cc:** Kausch, Jeannine <Kausch.Jeannine@epa.gov>; Hollis, Linda <Hollis.Linda@epa.gov>  
**Subject:** RE: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Hi Chad,

Actually, since we have Jeannine calling from off-site let's use our conference line:

Ex. 6 - Personal Privacy

Passcode Ex. 6 - Personal Privacy

Thanks,

Gina

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Gina Burnett

Senior Regulatory Specialist

Biochemical Pesticides Branch (BPB)  
Biopesticides and Pollution Prevention Division (BPPD)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
[burnett.gina@epa.gov](mailto:burnett.gina@epa.gov)  
(703) 605-0513 (phone)  
(703) 305-0118 (fax)

**From:** Schulze, Chad

**Sent:** Wednesday, October 04, 2017 4:53 PM

**To:** Burnett, Gina <[Burnett.Gina@epa.gov](mailto:Burnett.Gina@epa.gov)>

**Subject:** RE: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

206-771-3058!

Sincerely,

Chad

\*\*\*\*\*

Chad C. Schulze  
Pesticides and Toxics Unit  
Office of Compliance and Enforcement  
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206-553-4743 (fax)  
[schulze.chad@epa.gov](mailto:schulze.chad@epa.gov)  
<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>

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**From:** Burnett, Gina  
**Sent:** Wednesday, October 04, 2017 1:49 PM  
**To:** Schulze, Chad <[Schulze.Chad@epa.gov](mailto:Schulze.Chad@epa.gov)>  
**Subject:** Re: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Ok, great. We will call you at 11:30am our time.

What number is best?

Thanks,

Gina

On Oct 4, 2017, at 3:30 PM, Schulze, Chad <[Schulze.Chad@epa.gov](mailto:Schulze.Chad@epa.gov)> wrote:

Yes, I'm open!

Sincerely,

Chad

\*\*\*\*\*  
Chad C. Schulze

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<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>

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**From:** Burnett, Gina  
**Sent:** Wednesday, October 04, 2017 12:04 PM  
**To:** Schulze, Chad <[Schulze.Chad@epa.gov](mailto:Schulze.Chad@epa.gov)>  
**Subject:** RE: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Hi,

I take that back. Could you talk at 11:30am EST tomorrow? I will have Linda and Jeannine on the line with me, hopefully.

Thanks,  
Gina

---

Gina Burnett

Senior Regulatory Specialist

Biochemical Pesticides Branch (BPB)  
Biopesticides and Pollution Prevention Division (BPPD)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
[burnett.gina@epa.gov](mailto:burnett.gina@epa.gov)  
(703) 605-0513 (phone)  
(703) 305-0118 (fax)

**From:** Burnett, Gina  
**Sent:** Wednesday, October 04, 2017 2:49 PM  
**To:** Schulze, Chad <[Schulze.Chad@epa.gov](mailto:Schulze.Chad@epa.gov)>  
**Subject:** RE: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Hi Chad,

I think we should have a call to discuss this before BPPD starts work. What do you think? I want to get everyone here on the same page, and be clear on what BPPD's deliverable to you should look like. I would like to do that with you on the line.

Would you be available tomorrow (Thursday) at 2:30pm EST to speak with us?

Many Thanks,  
Gina

---

Gina Burnett

Senior Regulatory Specialist

Biochemical Pesticides Branch (BPB)  
Biopesticides and Pollution Prevention Division (BPPD)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
[burnett.gina@epa.gov](mailto:burnett.gina@epa.gov)  
(703) 605-0513 (phone)  
(703) 305-0118 (fax)

**From:** Schulze, Chad  
**Sent:** Wednesday, October 04, 2017 12:49 PM  
**To:** Burnett, Gina <Burnett.Gina@epa.gov>  
**Cc:** Hollis, Linda <Hollis.Linda@epa.gov>; Kausch, Jeannine <Kausch.Jeannine@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>  
**Subject:** FW: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Hi Gina,

We finally received Chemsico's response to our August 29, 2017 Stop, Sale Use or Removal Order prohibiting the distribution and sale of their pesticide product "Black Flag Disposable Fly Trap." We wanted to provide you a copy of the response as it explains in detail their argument

Ex. 4 - CBI & Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege  
Ex. 4 - CBI & Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege

It seems important here for the Biopesticide and Pollution Prevention Division (BPPD) to

**Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege**

Though it is important to point out that Chemsico knows

Ex. 4 - CBI & Ex. 5 Attorney Client Privilege  
Ex. 4 - CBI & Ex. 5 Attorney Client Privilege

Ex. 4 - CBI & Ex. 5 Attorney Client Privilege

Whether or not BPPD accepts or rejects Chemsico's argument here,

Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege

Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege

Ex. 4 - CBI & Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege

**Ex. 4 - CBI & Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege**

Ex. 4 - CBI & Ex. 5 - Deliberative Process & Ex. 5 Attorney Client Privilege

As you articulated in your February 16, 2017, response to Region 10's ECR (#17-10-3):

# Ex. 5 - Deliberative Process

Brett Dugan, Region 10 Counsel, will also be tying in OGC on this matter. Please let us know your thoughts and let us know how we can work together to respond to Chemsico. FYI - this SSURO is possibly costing Chemsico millions of dollars ...

Sincerely,

Chad

\*\*\*\*\*

Chad C. Schulze  
Pesticides and Toxics Unit  
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**From:** Kakesh, Joseph [<mailto:JKakesh@wileyrein.com>]

**Sent:** Wednesday, October 04, 2017 7:37 AM  
**To:** Schulze, Chad <[Schulze.Chad@epa.gov](mailto:Schulze.Chad@epa.gov)>  
**Cc:** Dugan, Brett <[Dugan.Brett@epa.gov](mailto:Dugan.Brett@epa.gov)>; Kowalski, Ed <[Kowalski.Edward@epa.gov](mailto:Kowalski.Edward@epa.gov)>; Heinzman, Tracy <[THeinzman@wileyrein.com](mailto:THeinzman@wileyrein.com)>  
**Subject:** RE: SSURO for Black Flag Disposable Fly Trap, Docket No. FIFRA 10-2017-0106

Dear Mr. Schulze,

On behalf of UIC, please see the attached letter. Thank you.

Joe Kakesh

Joseph S. Kakesh | Attorney at Law  
**Wiley Rein LLP**  
1776 K Street NW | Washington, DC 20006  
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